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Date: August 5, 2002

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TO: EXAMINER RIP A. LEE

US Patent and Trademark Office

Washington, D.C. 20231

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FROM: DARRELL WARNER

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REMARKS:

☐ Urgent

☒ For your review

☐ Reply ASAP

☐ Please comment

Please see attached in regards to 09/715,775.

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Darrell E. Warner
Chief Patent Counsel

UNITED FOR INNOVATION:
EXXPOL AND UNIPOL

August 5, 2002

Via Facsimile to 703/746-7064

Examiner Rip A. Lee
United States Patent and Trademark Office
Room P/1713
Washington, D.C. 20231

Re: US Patent Application 09/715,775
Attorney Docket No. 2000U034.US

Dear Examiner Lee,

Pursuant to our telephone conversation earlier today, listed below are the references cited in the Information Disclosure Statement being mailed today.

EP 0 578 838 A1	Publication Date – January 19, 1994; and
EP 0 743 324 A2	Publication Date – January 19, 1996.

Should you have any questions or comments, please do not hesitate to contact me at 713/892-3667.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darrell E. Warner".

Registration No. 36,046

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Art Unit: 1755

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-9 and 15-22, drawn to a catalyst and method of making it, classified in class 502, subclass 108.
- II. Claims 10-14, drawn to an olefin polymerization process, classified in class 526, subclass 160.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the process for using the product as claimed can be practiced with a materially different product, such as a chromium oxide or Ziegler-Natta catalyst.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Lisa Kimes Jones, Esq., on 6/8/01, a provisional election was made with traverse to prosecute the invention of group II, claims 10-14.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-9 and 15-22 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Art Unit: 1755

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Pasterczyk whose telephone number is (703) 308-3497. Our fax number is 305-5433.

J. Pasterczyk

June 8, 2001